

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANDRES ARELLANES

Plaintiff,

v.

CIV 09-432 BB-RHS

**JASON CLARKE, DAYNA BROCK,
JOEL LUCHETTI, EDDIE PADILLA,
PATRICK APODACA,
in their individual capacities, and
CITY OF ALBUQUERQUE,**

Defendants.

**UNOPPOSED MOTION FOR PROTECTIVE ORDER FOR
THE CITY OF ALBUQUERQUE'S INDEPENDENT REVIEW OFFICE
INVESTIGATION (IA FILE # CPC -224-070)**

COMES NOW, the City of Albuquerque, by and through Assistant City Attorney Stephanie M. Griffin, and pursuant to Fed. R. Civ. P. 26(c), and hereby states the following in support of its Unopposed Motion for Protective Order:

1. The City of Albuquerque Independent Review Office conducted an investigation into the subject incident involved in this litigation that is hereinafter identified as "IA File # CPC-224-070."

2. IA File # CPC-224-070 is confidential pursuant to Section 9-4-1-13 of the City of Albuquerque Code of Ordinances.

3. In order to protect the confidentiality of IA File # CPC-224-070, the City of Albuquerque agrees to produce IA File # CPC-224-070 as part of this litigation subject to the following terms and conditions:

- A. All non-City of Albuquerque parties and their respective attorneys agree to return the contents of IA File # CPC-224-070 at the resolution of this lawsuit;
 - B. All non-City of Albuquerque parties and their respective attorneys agree to purge all copies of the contents of IA File # CPC-224-070 at the resolution of this lawsuit;
 - C. All non-City of Albuquerque parties and their respective attorneys agree not to disclose or produce the contents of IA File # CPC-224-070 to any non-party at any time, except for police procedure experts retained by the parties in this matter;
 - D. All non-City of Albuquerque parties and their respective attorneys agree not to attach any of the contents of IA File # CPC-224-070 as exhibits to depositions or to motions filed with this Court unless the depositions or motions are sealed.
4. Plaintiff and Defendants Brock, Clarke, Luchetti, and Padilla do not oppose this motion.

WHEREFORE, the City of Albuquerque respectfully requests that the Court enter a protective order which complies with the agreed upon foregoing terms and conditions.

Respectfully submitted,

CITY OF ALBUQUERQUE
Robert M. White
City Attorney

/s/ Stephanie M. Griffin, Assistant City Attorney
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I hereby certify that the foregoing
was sent via Notice of Electronic Filing to:

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Attorney for Defendants Brock and Clarke

on this 2nd day of September 2009

/s/ Stephanie M. Griffin, Assistant City Attorney